

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Docket No. **14CV1266(DLC)(MHD)**

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New York State Professional Process Servers Association on  
behalf of itself and aggrieved former and current members,  
and Howard D. Clarke, and Stephen Boyko, Inc. d/b/a  
Consolidated Claims Service, Individually, and as  
Representatives for all similarly situated Process Server  
Individuals and Process Serving Agencies as defined by the  
New York City Administrative Code, Title 20, §20-404,

Plaintiffs,

Against

City of New York, and Michael T. Bloomberg, Bill deBlasio,  
Jonathan Mintz, Alba Pico, Marla Tepper, Esq., Sanford  
Cohen, Esq., Nancy Schindler, Esq., Bruce Dennis, Esq.,  
James Plotkin, Esq., Nicholas J. Minella, Esq., Alvin Liu,  
Esq., Shannon Bermingham, Jordan Cohen, Esq., Philip  
Kimball, Esq., Lori Barrett, Esq., Megan Roberts, Esq.,  
Wanda Day, Esq., Fred Cantor, Esq., Allison Rene Johnson,  
Esq., Margarita Marsico, Esq., David Cho, K. James,  
Wilfredo Lopez, Esq., Eunice Rivera, G. Pikulina, P. Kumar,  
Michele Mirro, Esq., Mitchell B. Nisonoff, Esq., Lee Fawkes,  
Esq., Steven T. Kelly, Esq., Nancy Tumelty, Esq., Susan  
Kassapian, Esq., Maurice Nwikpo-Oppong, Esq., Eryn A.  
DeFontes, Esq., Richard Zeitler, Jr., Esq., David Scott Paul,  
Esq., Shanet Viruet, Esq., and Judith Gould, Esq., all  
Individually and in their capacities as officials and employees  
of the City of New York,

Defendants.

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HARKINS' DECLARATION ON BEHALF OF PLAINTIFFS IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6)

TRACY J. HARKINS declares under penalty of perjury, pursuant to 28 U.S.C. §1746 as follows:

1. I am the attorney for Plaintiffs in this civil action, and as such, I am fully familiar with Plaintiffs' claims, the applicable law, and the pleadings and proceedings had herein.
2. In opposition to Defendants' motion to dismiss Plaintiffs' Amended Complaint pursuant to F.R.C.P. 12(b)(6), Plaintiff submits herewith the following Exhibits which are true copies, or excerpts of documents published by Defendants, and relied upon by Plaintiffs to support the factual allegations of Plaintiffs' Amended Complaint and the merits of Plaintiffs' claims:

A. Copies of Defendant Administrative Law Judge decisions citing Code §20-106, and acknowledging it as a criminal prosecution statute in the Matter of Department of Consumer Affairs v. Bruce Schwartz, Vio. No. LL005324909 (E. DeFontes, ALJ, 2013); Department of Consumer Affairs v. Royale Process Serving, LLC, Vio. No. LL005324908 (R. Zeitler, Jr., ALJ, 2013), Department of Consumer Affairs v. Howard Clarke, Violation No. LL005307562 (N. Tumelty, ALJ and James Plotkin, DDA, 2013); Department of Consumer Affairs v. Alvin Gonzalez, Vio. No. LL002532639 (Steven T. Kelly, ALJ, 2011); and, Department of Consumer Affairs v. Robbie Lawson, Violation No. LL005130913, (Lee Fawkes, ALJ, 2010).

Dated: Mt. Sinai, NY  
June 20, 2014

s/Tracy J. Harkins  
TRACY J. HARKINS, ESQ.  
Attorney for Plaintiff  
48 Birch Hill Road  
Mount Sinai, NY 11766  
(631) 476-3750  
[tjharkinsesq@optonline.net](mailto:tjharkinsesq@optonline.net)